

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**GEMINI MASTER FUND, LTD and** §  
**BLACK MOUNTAIN EQUITIES, INC.,** §  
§  
*Plaintiffs,* §  
§  
v. § **15-CIV-9546 (AT)**  
§  
**OXYSURE SYSTEMS, INC. (aka** §  
**OXYSURE THERAPEUTICS, INC.),** §  
§  
*Defendant.* §

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**DECLARATION OF JULIAN ROSS IN SUPPORT OF MOTION TO DISMISS**

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I, Julian Ross, declare under penalty of perjury that the following testimony is true and correct to the best of my personal knowledge and investigation.

1. I am the CEO and President of Oxysure Systems, Inc., which is a Delaware corporation that has its principal place of business in Collin County, Texas.
2. The Plaintiffs are both located in California and all of my interactions with them occurred with myself in Texas and them, to my knowledge, in California.
3. We never negotiated or performed any part of this transaction with either Plaintiff in New York. I executed Oxysure's agreement in Texas. There have been no calls, emails or faxes to New York predicated on this transaction or in anticipation of it.
4. Oxysure does limited business with New York. It occasionally sells product to New York customers. Oxysure does not maintain any regular or continuous business relationships in New York. It has no agents in New York. It owns no property in New York. It does not advertise to New York customers specifically, nor directs any substantial business outreach to New York. Oxysure's shares are traded OTC, and are maintained by a transfer agent outside of New York.
5. None of the allegations in the complaint arise out of any of Oxysure's contacts with the State of New York.

I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge and investigation on behalf of Oxysure.

/s/ Julian Ross  
Julian Ross, CEO of Oxysure Systems, Inc.